MBf Holdings Bhd & Anor v Houng Hai Kong & Ors

HIGH COURT (KUALA LUMPUR) — CIVIL SUIT NO S4-22-75-93
ANUAR J
28 JANUARY 1994

Civil Procedure *— Injunction — Interlocutory injunction restraining publication of defamatory allegations — Whether truth of allegations material — Whether allegations based on true facts caught by order*

Civil Procedure *— Contempt of court — Breach of court order — Whether defendants had knowledge of court order — Whether defendants acted in breach of order*

Civil Procedure *— Contempt of court — Mitigation — Whether submission that court order should not have been issued a mitigating factor — When validity of court order should be challenged*

Civil Procedure *— Contempt of court — Punishment — Contemnor a member of Parliament and advocate and solicitor*

This action involved two motions by the plaintiffs, the first of which was for an order that the defendants be committed to prison for their several contempts of the court in disobeying the terms of a court order dated 9 February 1993 ('the order') which restrained the defendants, inter alia, from printing, circulating, distributing or publishing in any manner whatsoever any allegation of impropriety or irregularity or illegality of whatsoever nature against, inter alia, the first or second plaintiff. The second motion sought an order that the first and third defendants be committed to prison for their contempt of the court in wilfully evading service of the order. As a preliminary point, it was submitted by counsel for the defendants that the order was vague and could be interpreted in different ways.

Held, finding the defendants in contempt of court:

(1) The acts restrained by the order were printing, circulating, distributing or publishing any allegation of impropriety against the plaintiffs. Whether the allegation consisted of facts which were true or not was immaterial. The order must be read to mean that any allegation of impropriety, whether true or false, against the plaintiffs was restrained.

(2) On the facts, the defendants had knowledge of the order restraining them from doing the acts set out. They had breached the order and were in contempt of court. The first and third defendants had also evaded service of the order.

(3) An injunction is a most solemn and authoritative form of order made by the court. So long as it exists, the order must be obeyed. Where the order of the court requires interpretation or there is any doubt as regards its scope, it is the duty of the party enjoined

to get the interim injunction discharged or varied instead of committing the act proposed. A

(4) The proper course for the defendants to challenge the validity or regularity of the order of the court was by an application to set it aside. They were not at liberty to disregard the order. Anyone who chooses to ignore a court order and knowingly disobeys it commits a contempt of court. A contempt of court is a serious offence and the court must deal with the contemnor with equal seriousness. B

(5) The first defendant was sentenced to two weeks' imprisonment and RM20,000 fine, in default six months' imprisonment, for each offence. C

(6) The third defendant deserved a more serious punishment as he was a member of Parliament and thus a public officer, with a duty to protect the public interest. He was also a member of the Bar and an officer of the court with a duty to uphold justice and protect the dignity of the court. The third defendant was sentenced to two years' imprisonment for each of the offences, the sentences to run concurrently. D

[Bahasa Malaysia summary

E

Tindakan ini adalah berkenaan dengan dua usul oleh plaintif, yang pertamanya untuk perintah supaya defendan dikomitkan ke penjara kerana menghina mahkamah dengan tidak mematuhi syarat-syarat satu perintah mahkamah bertarikh 9 Februari 1993 ('perintah itu') yang menyekat defendan, antara lain, daripada mencetak, mengedar, menyebar atau menerbitkan melalui apa cara sekalipun sebarang pengataan perbuatan salah atau luar aturan atau kepenyalahan undang-undang dari mana-mana segi terhadap, antara lain, plaintif pertama atau kedua. Usul yang kedua memohon satu perintah supaya defendan pertama dan ketiga dikomitkan ke penjara kerana menghina mahkamah dalam mengelak penyampaian perintah itu secara sengaja. Sebagai isu permulaan, telah dihujah oleh peguambela defendan bahawa perintah itu adalah tidak jelas dan boleh ditafsirkan dalam berbagai cara. F G

Diputuskan, mendapati defendan telah menghina mahkamah: H

(1) Tindakan yang disekat oleh perintah itu adalah mencetak, mengedar, menyebar atau menerbitkan sebarang pengataan perbuatan salah terhadap plaintif. Sama ada dakwaan itu mengandungi fakta yang benar atau palsu tidak penting. Perintah itu mesti dibaca supaya membawa makna bahawa sebarang pengataan perbuatan salah, sama ada benar ataupun palsu, terhadap plaintif adalah disekat. I

(2) Mengikut fakta kes, defendan mempunyai pengetahuan tentang perintah yang menyekat mereka daripada melakukan tindakan yang dinyatakan di dalam perintah itu. Mereka telah melanggar perintah itu dan telah menghina mahkamah. Defendan pertama

A dan ketiga juga telah mengelak daripada disampaikan perintah itu.

(3) Suatu injunksi adalah satu bentuk perintah yang sangat serius dan berkuasa yang dibuat oleh mahkamah. Selagi ianya wujud, perintah itu mesti dipatuhi. Apabila perintah mahkamah itu B memerlukan pentafsiran atau terdapat keraguan tentang ruang lingkupnya, adalah menjadi tanggungjawab pihak yang diarahkan untuk memohon supaya injunksi interim itu dilepaskan atau diubah dan tidak melakukan tindakan yang dicadangkan itu.

(4) Tindakan yang wajar untuk defendan mencabar keesahan perintah mahkamah itu adalah melalui satu permohonan untuk C mengetepikan perintah itu. Mereka tidak bebas bertindak dengan tidak mempedulikan perintah itu. Sesiapa yang memilih untuk tidak mengendahkan sesuatu perintah mahkamah dan dengan sengaja tidak mematuhinya melakukan suatu penghinaan mahkamah. Penghinaan mahkamah adalah satu kesalahan yang D serius dan mahkamah mesti menghukum orang yang menghina mahkamah secara serius juga.

(5) Defendan pertama telah dihukum penjara dua minggu dan denda sebanyak RM20,000, jika ingkar enam bulan penjara, untuk setiap kesalahan.

E (6) Defendan ketiga patut menerima hukuman yang lebih tegas. Beliau adalah seorang ahli Parlimen dan oleh itu seorang pegawai awam, dengan tanggungjawab untuk mempertahankan kepentingan awam. Beliau juga adalah seorang ahli Badan Peguam dan seorang pegawai mahkamah dengan tanggungjawab untuk memelihara keadilan dan mempertahankan martabat mahkamah. F Defendan ketiga dihukum penjara dua tahun untuk setiap kesalahan, hukuman-hukuman itu berjalan bersama.]

[*Editorial Note*: The first and third defendants have appealed to the Court of Appeal.]

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Notes

For cases on contempt of court, see 2 *Mallal's Digest* (4th Ed, Reissue) paras 788–837; [1993] Mallal's Digest 143–148.

For cases on interlocutory injunctions, see 2 *Mallal's Digest* (4th Ed, Reissue) paras 1562–1649; [1993] Mallal's Digest 196–198.

H

G Sri Ram (*David Morais* and *SC Loh* with him) (*Cheang & Ariff*) for the plaintiffs.

Karpal Singh (*Karpal Singh & Co*) for the first and second defendants.

Dato' Dominic Puthucheary and *Lim Kean Chye* (*Wee Choo Keong & I Faaiz*) for the third defendant.

Anuar J: There are two motions before the court in encls (27) and (102).

In encl (27) is a motion moved by the plaintiffs for an order that the first defendant, second defendant and third defendant be committed to prison for their several contempts of this honourable court in disobeying

the terms of the order of this honourable court dated 9 February 1993 which restrained the defendants and each of them by themselves, their servants or agents or otherwise howsoever from printing, circulating, distributing or publishing in any manner whatsoever any allegation of impropriety or irregularity or illegality of whatsoever nature against the first plaintiff or the second plaintiff or any of their respective subsidiaries or affiliates more particularly identified in the annexure attached thereto or of any of their officers, the particulars of which are set out in the statement and upon the grounds set forth in the copy of the statement served herewith used in the application for leave to issue this notice of motion.

In encl (102) is a motion moved by the plaintiff for the court to issue an order that the first defendant and the third defendant be committed to prison for their contempt of this honourable court in wilfully evading service of the order of this honourable court dated 9 February 1993, the particulars of which are set out in the statement and upon the grounds set forth in the copy of the statement served herewith used in the application for leave to issue this notice of motion.

The order of court dated 9 February 1993 is to be found in encl (6) and the terms of the order are as stated in the notice of motion in encl (27).

The court is invited by the learned counsel for the defendants to consider the meaning and scope of the order. It was suggested that the order is vague and may be interpreted in different meanings. With respect, I do not think there is any ambiguity either in the meaning or the scope of the said order. The order clearly means that the defendants are restrained from carrying out or exercising any act described in the order. The acts restrained are: '...printing, circulating, distributing or publishing in any manner any "allegation" ...' whether the allegation consists of facts which are true or not is not material. The order prohibits any allegation to be printed, circulated, distributed or published. It is, therefore, not correct to say that the order must be read to mean that only allegations which are untrue which cannot be printed, circulated, distributed or published. It is wrong to say that if the allegation is of facts which are true, it is not caught by the injunctive order. There is no merit in the argument that what the defendants have done is merely to disclose the truth and, therefore, not an act in breach of the order of court. The order of court must be read to mean that all acts of printing, circulating, distributing and publishing in any manner of any allegation of impropriety or irregularity or illegality of whatsoever nature whether true or not against the plaintiffs are restrained until further order. It should be evident to the defendants that this is only an interim order and not a final one. The fact that the court may give further orders only confirms the argument that the restraining order does not distinguish or differentiate between an allegation which is true or false.

The order of court dated 9 February 1993, therefore, covers all such acts as set out in the order, irrespective of whether they are true or false.

The first question to be decided in determining whether the defendants have acted in contempt of court is whether the defendants have knowledge of the order.

A The order of court was obtained by the plaintiffs and issued by the court on 9 February 1993. It was given wide publicity on 10 February 1993. The news regarding the order was published the following morning on 10 February 1993. It is a fair assumption that everyone would know of the news which was published by the newspapers on 10 February 1993. The third defendant, particularly, being a prominent public figure as a B member of Parliament and a lawyer, would not have missed the newspaper report on 10 February 1993. I am satisfied that the third defendant must have known of the order dated 9 February 1993 on 10 February 1993. There is also evidence that the third defendant was aware of the order on 10 February 1993 because on the 10 February 1993, the day when news C of the order was widely circulated in the newspapers, the third defendant's solicitors wrote a letter to the plaintiffs asking for particulars of the order. The third defendant's solicitors also asked for the various cause papers to be served on them. It is obvious that the letters must have been sent on the instructions of the defendant. The third defendant could only have given such instructions with full knowledge of the existence of the court's order. D I have no doubt that the third defendant had knowledge of the order restraining him from doing the various acts set out in the order on 10 February 1993.

On the evening of 10 February 1993, the plaintiffs' solicitors served the cause papers including the court's order on the third defendant's E solicitors. The cause papers and the copy of the order were received by the legal assistant in the third defendant's legal firm. The legal assistant, Mr Ivan Wong, acknowledged receipt of the cause papers but refused to accept service of the court's order. I shall deal with the question whether the third defendant was at that material time, present in the office or not, F at a later stage in this judgment when I deal with the question of whether the third defendant tried to evade the service of the order.

In the event, the third defendant must be deemed to have known of the court's order when the cause papers were served on the firm of Wee Choo Keong & Faaiz, of which the third defendant is the senior-most G partner of the firm.

I have no doubt that by 10 February 1993, the third defendant had knowledge of the court's order restraining him from the act as described in the order.

With regards to the first defendant, it is established that he was H present in the third defendant's office on the night of 10 February 1993, together with the second defendant and another person called Ting Tiew King. In his affidavit (encl (16)), Ting Tiew King deposed that on 10 February 1993, he went to the third defendant's office together with the second defendant to get the third defendant's assistance or help to prepare a letter regarding his problem. At the third defendant's office, the I third defendant helped him prepare a letter addressed to the Bank of Nova Scotia in respect of the housing loan outstanding with the bank. Ting also stated in his affidavit that the first defendant and the second defendant were also present in the office when the letter was prepared. That being the case, the first defendant would also have knowledge of the order of court

dated 9 February 1993, which the third defendant, as stated earlier, knew had been issued. A

At this juncture, it may be convenient for me to deal with the admissibility of the affidavit affirmed by Ting Tiew King since the issue had been raised by the defendants in this motion. Ting has, subsequent to the filing of the affidavit, resiled from his earlier statement and denied the B statement made in his affidavit. Unfortunately, Ting is not available for cross-examination, although the intention to do so has been issued by the plaintiffs. Several attempts have been made by the plaintiffs to serve a notice to cross-examine the witness, Ting, but was not successful. In the event, the learned counsel for the plaintiffs made an oral application for the affidavit to be admitted, which application was granted. I was satisfied C that the plaintiffs have taken all the necessary steps to locate the witness but have not succeeded. Although the deponent, Ting, has changed his mind and denied the facts stated in the affidavit, I preferred to accept the affidavit because I am satisfied that the affidavit was made voluntarily by Ting. Ting has claimed that he was pressurized to make the affidavit but D the allegation has been sufficiently denied by the plaintiffs.

To reiterate what I have stated earlier, I found that both the first and the third defendants had knowledge of the order of court dated 9 February 1993 at the latest on 10 February 1993.

The next question to be considered is whether there was anything E done by the defendants which was in breach of the order dated 9 February 1993.

I shall deal with the third defendant's case first. The allegation against the third defendant is that he did on or about the night of 10 February 1993 prepared or caused to be prepared the letter dated F 6 February 1992(3) (encl 14 at p 208, the year wrongly typed 1992) for the purpose or with the intention that it shall be published by the first defendant to the Bank of Nova Scotia at its office. The third defendant is also alleged to have prepared similar letters for the purpose or with the intention that, one was to be published by the second defendant and the other to be published by Ting Tiew King dated 8 February 1992(3) and G 10 February 1992(3), respectively. These three letters were received by the Bank of Nova Scotia on 11 February 1993.

It was argued that these letters were not prepared, as alleged by the plaintiffs, on 10 February 1993. In the case of the first defendant's letter, it was submitted that the letter was written on 6 February 1993. In the case H of the second defendant, the letter was prepared on 8 February 1993 and in the case of Ting Tiew King, his letter was prepared on 10 February 1993. It was argued, therefore, that the first defendant's letter and the second defendant's letter could not have been in breach of the order of court of 9 February 1993 because they were prepared much earlier than the date when the order of court was issued. It was pointed out that all the I letters were dated earlier than the order. The plaintiffs however, contended that all the three letters were actually prepared and written on the same date, on 10 February 1993. The plaintiffs contended that the dates were made retrospective.

A I agree with the plaintiffs' contention that all the three letters had been prepared on 10 February 1993. As I have stated earlier, Ting Tiew King stated in his affidavit that his letter was prepared on 10 February 1993. He also stated that the first defendant and the second defendant signed some documents on the same night. I can only conclude from that that the documents which the first and the second defendants signed that B night must be the letters dated 6 February 1993 and 8 February 1993. In other words, those two letters were backdated when they were actually prepared on 10 February 1993. I think it is too much of a coincidence that all the three letters, though differently dated, were actually received on the same date, on 11 February 1993. The only reasonable explanation why the C letters were received on the same date, on 11 February 1993, is that they were posted at the same time and on the same day, on 11 February 1993. This lends support to the fact that they must have been prepared at the same time on 10 February 1993. The foregoing facts, therefore, show that all the three defendants have acted in breach of the court's order dated D 9 February 1993 by publishing the letters mentioned above. The first defendant and the second defendant were in breach of the order by publishing the letters and the third defendant is in breach of the order by assisting the first and the second defendants and Ting to prepare those letters for publication.

The conduct of the defendants antedating the letters can only be E regarded as a feeble and amateurish attempt on their part to conceal the actual fact that they were prepared, drafted and typed on the same date, on 10 February 1993.

The second charge against the third defendant is in respect of the publication of Bank Negara Malaysia's letter dated 22 September 1992 F addressed to the third defendant. Copies of this letter were found at the autoteller machine of the second plaintiff's branch office at Salak South on 11 February 1993 and branch office at Kepong on the same date.

It is not disputed that on 11 February 1993, several copies of the letter written by Bank Negara to the third defendant were found either at G the autoteller machine or around the building of the second plaintiff's branch at Salak South and Kepong. The publication of this letter is in breach of the order of court dated 9 February 1993. The question is, who placed them there. There are only two sources from where these letters could have come from. They could have come from Bank Negara Malaysia or from the third defendant himself. It was however suggested that there H are other people who could have placed these letters at the places where they were found. The third defendant contended that he had given a press conference at the Dewan Rakyat conference in November 1992 and on that occasion, at the request of the press and other members of Parliament, he had distributed copies of this letter to the press and the other members I of Parliament. It was suggested that these people could have placed those letters at the plaintiffs' branch in Salak South and Kepong. With respect, I find it difficult to accept such a story. For one thing, if it is true that they were the people who had placed the letters at the plaintiffs' branch at Salak South and Kepong, it escapes my imagination or understanding why the

Press people and the other members of Parliament had taken more than three months to place those letters and in such large numbers at the plaintiffs' bank. I cannot imagine for what reasons they would want to do that. As for Bank Negara Malaysia, I am sure they would have no interest whatsoever to do such a senseless thing. My only conclusion is that the third defendant must have placed them or caused them to be placed at the plaintiffs' bank, most likely for the purpose of causing injury and damage to the plaintiffs.

I am satisfied that on the evidence before the court, the plaintiffs have established a case against the third defendant in respect of the second charge by placing or causing to be placed the letters written by Bank Negara Malaysia at the plaintiffs' branch at Salak South and Kepong. The third defendant has breached the order of court dated 9 February 1993 and is in contempt of court.

Two other charges against the third defendant are that he had made phone calls to the DAP branch in Sungai Ruan, Raub, Pahang between 10 and 16 February 1993 and also phone calls to depositors of the second plaintiff, MBf Finance Bhd, residing in Temerloh alleging that the second plaintiff company was in financial trouble. The phone calls which the third defendant made or caused to be made stirred up feelings of insecurity amongst the second plaintiff's depositors and caused a run on the bank. As a result of the telephone calls made by the third defendant or caused by him to be made, there were abnormal withdrawals at both the Raub branch and the Mentakab branch. On 12 February 1993, the withdrawal at Mentakab branch was in excess of RM3.8m (encl (14) at p 227). From another report made on 16 February 1993 (encl (14) at p 222), the withdrawal at Raub branch was in excess of RM2.2m. These are abnormal withdrawals for such small branches. Having regards to the events taking place from 9 February 1993, there is no doubt in my mind that the third defendant had caused all these phone calls to be made to Raub and Temerloh with the intention to cause injury and damage to the plaintiffs.

In the light of the above facts, I am satisfied that the third defendant has breached the order of court dated 9 February 1993 and is in contempt of court.

Coming now to the question of whether the first defendant and the third defendant have evaded service of the order, I shall have to deal with the matter separately.

The first defendant was informed by the plaintiffs that the plaintiffs would be serving the cause papers and the order of court dated 9 February 1993 on 16 February 1993 between 10am and 10.30am. The first defendant was asked to be present at the given address and appointed time. There is evidence to show that the first defendant agreed to this appointment to accept service but, on 16 February 1993, when the plaintiff went to the appointed place at the appointed time, the first defendant was nowhere to be seen. The first defendant in his affidavit denied that he had agreed to be at the appointed place and time on 16 February 1993, although he admitted receiving a phone call from the plaintiffs' clerk regarding the

matter. In his affidavit, he said he merely gave a reply that he would try to be back but he never promised to be at the appointed place and time. The first defendant said that when he received the message, he was on his way to Ipoh and he gave a lame excuse that the line was not clear. I do not think the first defendant's version of the story can be believed. If he could hear the part about the appointment for service of cause papers, he could have easily ascertained the other details as regards the place, the time and the date. If he could not do so on the hand-phone he could certainly have ascertained the facts when he reached Ipoh. He did not do so. In the event I accept the version given by the plaintiff that the first defendant agreed with the request made by the plaintiffs to receive the documents on 16 February 1993 between 10am and 10.30am.

I am satisfied that the first defendant was evading service on 16 February 1993 and, therefore, is in contempt of court.

As regards the third defendant, the plaintiffs' solicitors sent their process server and a legal assistant to the third defendant's legal firm office on 10 February 1993. When the process server arrived at the place, he was informed that the third defendant was in the office. The third defendant however, never came out to meet the process server. The legal assistant in the firm came out and received all the documents including the order of court. He took the documents inside and later came out and acknowledged receipt of the cause papers but refused to accept service of the court's order. The legal assistant did not say that the third defendant was not in. It is only later that the third defendant's secretary told the process server that the third defendant was not in. But I think the receptionist at the counter must be telling the truth because she was not aware of the whole purpose of the visit by the plaintiffs' process server to the defendant's office. Her answer that the third defendant was in must have been given freely and honestly. The third defendant, being a senior partner of the firm, would have been consulted by the legal assistant on the matter which is as serious as this one. In any event, it was on the third defendant's instruction that Messrs Wee Choo Keong and Faaiz wrote to the plaintiffs' solicitors asking for particulars about the injunction order. When that letter was sent, the third defendant already knew that there was an order issued by the court and his instruction to Messrs Wee Choo Keong & Faaiz was to accept service of all court matters including the order of the court. When the process server came with the cause papers and order of the court and handed over the documents to the legal assistant, the legal assistant must certainly have brought this matter to the attention of the third defendant. It is my belief that the third defendant had given instruction to the legal assistant not to accept the court's order. The third defendant on his part refused to acknowledge service of the order of court.

I am satisfied that the third defendant evaded service of the order on 10 February 1993 and is in contempt of court.

I am grateful to the learned counsel for the third defendant, Mr Lim, for his able and careful presentation of the argument in mitigation on behalf of the third defendant.

Contempt of court is a serious offence and the court must deal with the contemnor with equal seriousness. When someone openly disobeys the court order, he commits a breach. His conduct is calculated to obstruct or had an intrinsic tendency to interfere with the course of justice and the due administration of law.

An injunction is a most solemn and authoritative form of order made by the court expressly enjoining a party either to do a particular act or refrain from doing a particular act. It is the duty of those so enjoined strictly to observe the terms of the injunction. The simple and only view is that an order must be obeyed, that those who wish to get rid of that order must do so by the proper course. So long as it exists, the order must be obeyed, and obeyed to the letter The proposition is well established that even where the order of the court required interpretation or there was any doubt as regards its scope, it was the duty of the party enjoined to get the interim injunction discharged or varied instead of committing the act proposed.

A contempt of court is basically an offence against the court and not against the judge personally and it is punishable because of the necessity of maintaining the dignity of the court.

The seriousness of the offence committed by the two defendants cannot be doubted having regards to the conduct of the defendants openly disobeying the injunction and intentionally evading service of the order.

No punishment would be appropriate unless the contemnor is suffered to committal. I do not think in the circumstances of the case a fine would be adequate.

I have considered this case with great care and concern and it is my unpleasant task that I have to hand down the only punishment which I think appropriate in this case:

First defendant

First offence — encl (27): I would sentence the first defendant to two weeks' imprisonment and RM20,000 fine or in default six months' imprisonment with effect from today.

Second offence — encl (102): I would sentence the first defendant to two weeks' imprisonment and RM20,000 fine or in default six months' imprisonment with effect from today.

I have considered the submissions carefully. The only mitigation offered by the third defendant is that the order of court should not have been issued. The third defendant's contention is that if the court examines the grounds for the application for the injunction inter partes the court would not have issued the injunction. This is the mitigation of the third defendant. He does not say that he regrets his conduct in disregarding the order of court; he does not say that he is sorry he has disobeyed the order; he is only sorry that the court had wrongly issued the order which the court should not have issued. If I understand the argument correctly, what the third defendant is saying is that since the order of court may be irregular he should not be suffered to punishment for not obeying the order.

A As I have said in earlier proceedings, the order of court must be obeyed or complied with until the order is set aside. At this stage, the court is only concerned to see that its order is carried out and obeyed. Anyone who chooses to ignore the order and knowingly disobeys the order commits a contempt of court. Unless the contemnor has purged the contempt, the contemnor must be punished if found to have committed the contempt.

B The proper time for the defendant to raise the issue or challenge the validity or regularity of order of court is by an application to set aside the order of court. The defendant is not at liberty to disregard the order of court.

C As regards the third defendant, he deserves a more serious punishment. The third defendant is a member of Parliament and, therefore, a public officer. He is undoubtedly a public figure. As a member of Parliament, he represents the public and among the many duties, he has to protect the public interest.

D The third defendant is also a member of the Bar. He is still active in practice and has a firm in his name. As a member of the Bar, he is also an officer of the court. He has an onerous duty as an advocate and solicitor to see that justice is upheld. At the same time, as an officer of the court, he has a duty towards the court. Indeed, his duty to the court is most important. It is his duty to protect the dignity of the court. It is therefore E expected of him to show respect for the administration of justice.

The third defendant, I have no doubt, knew and was fully aware of the court's order issued on 9 February 1993. However, the third defendant chose to not only ignore the order of court but went on to do an act completely against the order. As a member of the Bar he should have shown greater respect for an order of court. On the contrary, he had F blatantly challenged the validity of the order. The defendant obtrusively defied the power of the court and therefore has committed contumelious conduct against the order of court.

It is obvious that the third defendant has shown no respect whatsoever for the court. He has completely brushed aside the order of court. He G manipulated and schemed an action to suit his own purpose ignoring the supremacy of the order of court.

In view of the serious nature of the offence committed by the third defendant, I sentence him to two years' imprisonment for each of the offences. The sentences to run concurrently.

H *Order accordingly.*

Reported by Kevin Ooi

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